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# Text of Senate Panel's Conclusion on the Billy Carter Affair

*Following is the statement of conclusions issued yesterday by the Senate Judiciary subcommittee investigating the relationship of Billy Carter with the government of Libya and the handling of that relationship by the Carter administration.*

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## The \$220,000 Payments

As events showed, Billy Carter's telephonic communications concerning proposed transactions involving Libya from which he would receive economic benefits increased dramatically immediately after the November 27, 1979, meeting and continued at a relatively high level. On December 27, 1979, the Libyan government paid him \$20,000. On April 7, 1980, he received another \$200,000. The Libyan government appears to have held out the promise of an increased oil allotment well beyond that date.

Whether there was in fact a relationship between these events and Billy Carter's involvement in the hostage situation is a question that perhaps only the Libyan officials could answer. The appearance of a relationship that arises from the circumstances is, however, unfortunate.

When (CIA director) Admiral (Stansfield) Turner decided to furnish the intelligence report received by him in March, 1980, only to Dr. Brzezinski with the request that it be shown to the president, he denied another intelligence element missing portions of the information, which were unknown to it and which it had requested. He thus decided that the information had no utility for intelligence purposes. In so doing he did not consult with the other intelligence element, which had called for the missing portions but had not received them; he thus preempted the professional judgment of the other element that the information combined with the missing portions might have an intelligence use and indeed may have been referred to the FBI.

Admiral Turner also decided not to refer the information to the attorney general based on his view that the information was not useful for law enforcement purposes. Admiral Turner made these decisions without calling for other information that might have been available within the intelligence community, and in fact was available. That information might well have had a material bearing on both decisions.

Dr. Brzezinski testified that after receiving the intelligence information from Admiral Turner on March 31, 1980, he spoke to Billy Carter by telephone and then reported both the information and the telephone conversation to the president. The president's recollection is also that Dr. Brzezinski told him in a single conversation of both the information and the telephone conversation. If these recollections are accurate, then Dr. Brzezinski (a) took it upon himself, without consulting the president, to do an act outside his normal functions as national security adviser that should have been done, if at all, only with the authority of the president, and (b) kept to himself significant information about the president's brother for nearly two days, during which time he had met alone with the president at least once on an occasion when Dr. Brzezinski's handwritten note shows he intended to discuss it.

## Compromising Sources

The subcommittee concludes that communicating a portion of the intelligence information to Billy Carter, the subject of the information, carried with it a significant risk that sources could have been compromised. It was Dr. Brzezinski's belief that he was not compromising the sources. It will be recalled that Attorney General Civiletti determined that the same intelligence information, and another item of intelligence information as well, were so sensitive that he should not communicate any portion of the information to his most trusted subordinates, who had the requisite clearance for receiving classified information.

Communicating the information to Billy Carter also involved the risk that he would take measures to make his activities more difficult for FARA investigators to discover and, in the event of a civil or criminal action, more difficult for the government to prove.

It is to be noted that within two weeks after receiving Dr. Brzezinski's admonition, Billy Carter accepted \$200,000 from the Libyan government.

The subcommittee reaches no conclusion as to whether, once having communicated the information to Billy Carter and admonished him to desist, and he having rejected the admonition, the president or Dr. Brzezinski should have made further efforts to dissuade Billy from the oil enterprise.

The subcommittee questions the judgment of the attorney general in withholding the substance of the intelligence information contained in the two items received by him in April, 1980, from a subordinate with knowledge of the case and the requisite security clearances and trustworthiness. The subcommittee believes it likely that at least some of the information could have been used in some manner and in some degree by law enforcement personnel without compromising the sources. The attorney general did not have knowledge of the facts which had been developed in the investigation and should have been consulted with someone who did before making his decision. A judgment as to the usefulness of the intelligence information, and whether it could have been used without jeopardizing sources and methods, could have been best made by or in consultation with a person who knew the facts thus far developed in the investigation, and with the assistance of an intelligence expert.

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## All Facts Not Sought

Prior conclusions have treated the officers of the executive branch separately. Their actions have some similarities. One is that the attorney general, Admiral Turner, and Dr. Brzezinski all made decisions about the use of intelligence information without calling for the facts available to the organizations they head, or to the government generally, which may have enabled them to make more fully informed judgments. This unwillingness of key officials to draw on the talents and knowledge of the organizations they head is a matter of significant concern to the subcommittee. In saying this we recognize that from time to time circumstances may arise in which top officials with intelligence responsibilities, including the attorney general, could reasonably conclude that the responsible treatment of intelligence information, including the protection of vital sources and methods, require that they take direct and individual action with the information they receive. While we have in the conclusions above stated our views as to this case, we do not wish to prejudge the informed discretion of intelligence officers in cases which may arise in the future.

A second similarity is that while the attorney general and Dr. Brzezinski handled, in quite different manners, the information they received, their treatment of information had one important element in common. The president has the constitutional responsibility to conduct the foreign policy of the United States, as well as the responsibility to take care that the laws are faithfully executed. The assistant to the president for national security affairs advises with respect to the president's foreign policy responsibilities, and the attorney general is the president's principal legal adviser. By himself neither possesses the range of responsibilities which the president has and which were implicated in this matter. Yet, neither saw it to be his responsibility to present to the president for decision the issues arising from the intelligence information each had received. Both Dr. Brzezinski, by not consulting with the president before calling Billy Carter, and the attorney general, by not informing the president of the intelligence information brought to him in April, acted to protect the president from taking personal responsibility for the proper course of conduct in a situation which involved both foreign policy and law enforcement aspects.

The subcommittee has not undertaken a thorough study of the several legislative problems identified during the course of the investigation. These problems are as follows:

(1) The inadequacy of the civil investigative procedures available under FARA prior to the filing of suit, and the need for provisions for civil investigative demands or administrative subpoenas, which, as a matter relating to implementation, is an appropriate subject for consideration by the (Senate) Committee on the Judiciary.

(2) A possible need for improved procedures for coordination and centralized availability in the intelligence community of information gathered for either intelligence purposes or national-security-related law enforcement and usable for the other purpose, which is an appropriate subject for consideration by the Select Committee on Intelligence.

(3) A possible need for improved coordination and clearer allocation of responsibility between the National Security Council and the State Department, a subject that has received and will no doubt continue to receive the attention of the Committee on Foreign Relations.

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